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Attorneys for Defendant Homecomings Financial, LLC erroneously sued as  
Homecomings Financial Network

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Rosa Galindo; Maria Galindo,  
Plaintiffs,

vs.

Financo Financial, Inc.; Patrick  
Patchin; Ahmed Yama Asefi; Aaroon  
Sadat and Nazia Nawabzada;  
Countrywide Bank, N.A.;  
Countrywide Financial Corp.;  
Homecomings Financial Network;  
Commonwealth Land Title Company;  
Joseph Esquivel; Pamela Spikes; and  
Does 1-100,

Defendants.

Case No. 3:07-CV-3991 MJJ

**DEFENDANT HOMECOMINGS  
FINANCIAL, LLC'S NOTICE OF  
MOTION AND MOTION TO  
STRIKE PORTIONS OF  
PLAINTIFFS' SECOND AMENDED  
COMPLAINT**

[RULE 12(f)]

DATE: February 26, 2008  
TIME: 9:30 a.m.  
PLACE: Courtroom 11

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on February 26, 2008, at 9:30 a.m., or as soon  
thereafter as the matter may be heard before Judge Martin J. Jenkins, at the United  
States District Court, Northern District of California, located at 450 Golden Gate  
Avenue, San Francisco, California 94102, Defendant Homecomings Financial, LLC  
erroneously sued as Homecomings Financial Network ("Homecomings") will, and  
hereby does, move to strike paragraph 37 and paragraph 9 of the Prayer of Plaintiffs  
Rosa and Maria Galindo's Second Amended Complaint.

Specifically, Homecomings seeks to strike the following language: Paragraph 37 “Plaintiffs believe the acts of said Defendants were willful, wanton and in conscious disregard of the rights of Plaintiffs and Plaintiffs are entitled to recover punitive damages” and paragraph 9 of the Prayer “For exemplary and punitive damages against Defendants in an amount according to proof at trial;[.]” These paragraphs improperly request exemplary and punitive damages.

This motion is made pursuant to RULE 12(f) of the FEDERAL RULES OF CIVIL PROCEDURE on the basis that Plaintiffs have failed to alleged sufficient facts or claims allowing them to maintain a request for punitive damages under the law.

This motion is based upon this notice of motion and motion, the accompanying memorandum of points and authorities, the pleadings and papers on file in this action, and on such further oral and documentary evidence as may be presented at the hearing of this motion.

DATED: January 15, 2008

By /s/ Frederick A. Haist

E. SCOTT PALMER  
FREDERICK A. HAIST  
PALMER, LOMBARDI & DONOHUE LLP  
Attorneys for Homecomings Financial, LLC  
erroneously sued as Homecomings Financial  
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